

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

ADRIAN LAMAR BRINSON,)
)
Plaintiff,)
)
v.) CV423-039
)
SGT. BRITTANY BEARD, *et al.*,)
)
Defendants.)

ORDER

Pro se plaintiff Adrian Lamar Brinson filed this case alleging he was subjected to unconstitutional conditions while incarcerated at Coastal State Prison. *See generally* doc. 27. Defendants moved to dismiss. Docs. 29 & 30. After Brinson failed to respond to Defendants' motions before the deadline, the Court recommended that his Amended Complaint be dismissed for his failure to prosecute his case. *See* doc. 31. Brinson timely¹ objected to that Report and Recommendation, doc. 33, and submitted his response to Defendants' motions, doc. 32.

¹ Pursuant to the "prison mailbox rule," Brinson's Objection is deemed filed on November 29, 2023. *See* doc. 33 at 2; *see also, e.g., Washington v. United States*, 243 F.3d 1299, 1301 (11th Cir. 2001).

Brinson's Objection is not entirely clear. It appears to assert that he could not timely respond to the motions to dismiss because he did not receive notice of their filing until after the response deadline had passed. *See* doc. 33 at 1-2. His explanation, however, is limited to the circumstances of his receipt of Defendant Beard's Motion. *See id.* He has attached a document indicating that the Central State Prison mail room received a mailed copy of the Notice of Filing of Defendant Beard's Motion on November 19, 2023. *Id.* at 3. As Brinson points out, he could not have responded to that Motion by November 2 when he did not receive it until November 19. Although his Objection does not discuss when, or if, he received Defendant Strickland's Motion, doc. 30, charitably construed, the Court infers from his Objection that similar mail-related delays prevented his response to it. Accordingly, the Report and Recommendation is **VACATED**. Doc. 31.

Pursuant to this Court's Local Rules, Defendants may reply to Brinson's response, including to challenge its timeliness, within fourteen days. *See* S.D. Ga. L. Civ. R. 7.6. Upon the expiration of that fourteen-day reply period, the Court will take up the merits of the parties'

respective arguments related to the Defendants' motions to dismiss.

Docs. 29 & 30.

SO ORDERED, this 14th day of December, 2023.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA